IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.4095 of 2007
Date of Decision:17.04.2007

M/s Mahavir PVC Pipes Private Ltd., Deepali Enclave, Pitampura, Delhi

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Alok Jain, Advocate for the petitioner.

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M.M.Kumar, J. (Oral)

Notice of motion.

Ms. Ritu Bahri, learned Deputy Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. A copy of the petition has been handed over to her.

When the matter came up for consideration of this Court on 16.3.2007, learned counsel for the petitioner had prayed for an adjournment to seek instructions as to whether the petitioner- Company was ready to pay the entire amount in terms of the direction issued by the Tribunal vide order dated 4.5.2006 (Annexure P.15).

It is appropriate to mention that the Tribunal had issued the direction to the petitioner – Company to deposit the demanded amount in 15 equated monthly instalments before its appeal could be heard on merits by the Joint Excise & Taxation Commissioner (Appeal) (for short, `the JETC (A)'). The first instalment was required to be paid on or before 30.6.2006 and subsequent instalments were to be paid on or before the last day of each succeeding month. The petitioner was also required to furnish surety in respect of the balance amount after depositing the first instalment. Because of non-deposit of instalments and non-furnishing of surety bonds, the appeal filed by the petitioner was dismissed by JETC(A) vide order dated 20.7.2006 (Annexure P.16)

Learned counsel for the petitioner after obtaining instructions from the petitioner states that the petitioner shall comply with the order passed by the Tribunal on 4.5.2006. He requests that the date of making payment of instalment be extended as a period of about one year is gone by after the passing of order on 4.5.2006.

Keeping in view the hardship faced by the petitioner due to closure of his unit, we accept the request made by the learned counsel and direct while rest of the conditions shall remain the same, the payment of instalments shall commence from 1.5.2007. In case above directions are complied with, the impugned order dated 20.07.2006 (Annexure P.16) shall be deemed to be have been set aside and modified, the Joint Excise and Taxation Commissioner (Appeals), Rohtak shall hear the appeal on merits.

The writ petition stands disposed of accordingly.

(M.M.KUMAR)
JUDGE

April 17, 2007 **(RAJESH BINDAL)**
renu **JUDGE**